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AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2057

Introduced by Assembly Member Bonilla

February 20, 2014

An act to amend Section 60640 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL’S DIGEST

AB 2057, as amended, Bonilla. Pupil assessment: consortium alternate performance assessments.

Existing law establishes the California Assessment of Student Performance and Progress (CAASPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The CAASPP is composed of (1) a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified, (2) science grade level assessments in grades 5, 8, and 10, measuring specified content standards, (3) the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified, and (4) the Early Assessment Program. Existing law specifies numerous policies and procedures with

respect to the development and the implementation of the CAASPP by the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies.

This bill would require the CAASPP to include a consortium alternate performance assessment in English language arts and mathematics that measures specified content standards to be administered in grades 3 to 8, inclusive, and grade 11 instead of the California Alternate Performance Assessment being administered in grades 2 to 11, inclusive, in English language arts and mathematics. The bill would further provide that, in the 2014–15 school year and subject to approval by the United States Department of Education, as specified, the consortium alternate performance assessment in English language arts and mathematics would be a field test only, as specified. The bill would require the state board to adopt consortium alternate performance assessments in English language arts and mathematics for full implementation in the 2015–16 school year. The bill would require the State Department of Education to notify the appropriate committees of the Legislature, school districts, county offices of education, and charter schools if there is a change in the timeline or status of the consortium alternate performance assessments in English language arts and mathematics or in the consortium and in grades 5, 8, and 10 in science, until successor assessments for those subject matters are implemented, as specified. The bill also would require the state board and the department to submit, no later than February 1, 2015, a report to the appropriate committees of the Legislature, school districts, county offices of education, and charter schools on the consortium status of the successor alternate performance assessment assessments in English language arts and mathematics and science, as specified. The bill, for the 2014–15 school year, would require each local educational agency to administer the alternate field tests in a manner determined by the department in consultation with the president or executive director of the state board. The bill would require the department, with the approval of the state board and the Director of Finance, to amend the assessment contract, as appropriate, to accommodate the alternate assessment field testing and to allow for any necessary studies using information collected from the field tests.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the California Assessment of Student Performance and Progress, to be known as the CAASPP.

(b) Commencing with the 2013–14 school year, the CAASPP shall be composed of all of the following:

(1) (A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

(i) Grades 3 to 5, inclusive.

1 (ii) Grades 6 to 9, inclusive.

2 (iii) Grades 10 to 12, inclusive.

3 ~~(3) (A) A consortium alternate performance assessment in~~
4 ~~English language arts and mathematics for grades 3 to 8, inclusive,~~
5 ~~and grade 11 that measures content standards adopted pursuant to~~
6 ~~Sections 60605.8 and 60605.11.~~

7 ~~(B) (i) In the 2014–15 school year, local educational agencies~~
8 ~~shall administer the field tests of the consortium alternate~~
9 ~~performance assessment in English language arts and mathematics~~
10 ~~and shall not administer the California Alternate Performance~~
11 ~~Assessment in English language arts and mathematics for grades~~
12 ~~3 to 8, inclusive, and grade 11. The assessment shall be a field test~~
13 ~~only, to enable the consortium to gauge the validity and reliability~~
14 ~~of these assessments and to conduct all necessary psychometric~~
15 ~~procedures and studies, including, but not necessarily limited to,~~
16 ~~achievement standard setting, and to allow the department to~~
17 ~~conduct studies regarding full implementation of the assessment~~
18 ~~system. The field test and results shall not be used for any other~~
19 ~~purpose, including the calculation of an accountability measure.~~

20 ~~(ii) The state board shall adopt consortium alternate performance~~
21 ~~assessments in English language arts and mathematics for full~~
22 ~~implementation in the 2015–16 school year.~~

23 ~~(iii) For purposes of clause (i), the department shall apply for~~
24 ~~a federal waiver from the United States Department of Education~~
25 ~~for pupils who participate in the field tests of the consortium~~
26 ~~alternate performance assessment in English language arts and~~
27 ~~mathematics.~~

28 ~~(C) The department shall notify the appropriate committees of~~
29 ~~the Legislature, school districts, county offices of education, and~~
30 ~~charter schools if there is a change in the timeline or status of the~~
31 ~~consortium alternate performance assessments in English language~~
32 ~~arts and mathematics or in the consortium described in this~~
33 ~~paragraph.~~

34 ~~(4) The California Alternate Performance Assessment in science~~
35 ~~in grades 5, 8, and 10, which measures content standards adopted~~
36 ~~pursuant to Section 60605 until a successor assessment for this~~
37 ~~subject matter is implemented.~~

38 *(3) The California Alternative Performance Assessment in*
39 *grades 2 to 11, inclusive, in English language arts and mathematics*
40 *and in grades 5, 8, and 10 in science that measures content*

1 *standards adopted pursuant to Section 60605, until successor*
2 *assessments for these subject matters are implemented. The*
3 *successor assessments shall be limited to the grades and subject*
4 *matters assessed pursuant to paragraph (1) and subparagraph*
5 *(B) of paragraph (2).*

6 ~~(5)~~

7 (4) The Early Assessment Program established by Chapter 6
8 (commencing with Section 99300) of Part 65 of Division 14 of
9 Title 3.

10 ~~(6)~~

11 (5) (A) A local educational agency may administer a primary
12 language assessment aligned to the English language arts standards
13 adopted pursuant to Section 60605, as it read on January 1, 2013,
14 to pupils who are identified as limited English proficient and
15 enrolled in any of grades 2 to 11, inclusive, until a subsequent
16 primary language assessment aligned to the common core standards
17 in English language arts adopted pursuant to Section 60605.8 is
18 developed pursuant to subparagraph (E).

19 (B) If a local educational agency chooses to administer a primary
20 language assessment to pupils identified as limited English
21 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant
22 to subparagraph (A), it shall notify the department in a manner to
23 be determined by the department and the costs shall be paid by the
24 state and included as part of the testing contract, and the department
25 shall provide the local educational agency a per pupil
26 apportionment for administering the assessment pursuant to
27 subdivision (I).

28 (C) The Superintendent shall consult with stakeholders,
29 including assessment and English learner experts, to determine
30 the content and purpose of a stand-alone language arts summative
31 assessment in primary languages other than English that aligns
32 with the English language arts content standards. The
33 Superintendent shall consider the appropriate purpose for this
34 assessment, including, but not necessarily limited to, support for
35 the State Seal of Biliteracy and accountability. It is the intent of
36 the Legislature that an assessment developed pursuant to this
37 section be included in the state accountability system.

38 (D) The Superintendent shall report and make recommendations
39 to the state board at a regularly scheduled public meeting no sooner
40 than one year after the first full administration of the consortium

1 computer-adaptive assessments in English language arts and
2 mathematics summative assessments in grades 3 to 8, inclusive,
3 and grade 11, regarding an implementation timeline and estimated
4 costs of a stand-alone language arts summative assessment in
5 primary languages other than English.

6 (E) The Superintendent shall develop, and the state board shall
7 adopt, a primary language assessment. The Superintendent shall
8 administer this assessment no later than the 2016–17 school year.

9 (F) This paragraph shall be operative only to the extent that
10 funding is provided in the annual Budget Act or another statute
11 for the purpose of this section.

12 (c) (1) No later than March 1, 2016, the Superintendent shall
13 submit to the state board recommendations on expanding the
14 CAASPP to include additional assessments, for consideration at
15 a regularly scheduled public meeting. The Superintendent shall
16 also submit these recommendations to the appropriate policy and
17 fiscal committees of the Legislature and to the Director of Finance
18 in accordance with all of the following:

19 (A) In consultation with stakeholders, including, but not
20 necessarily limited to, California teachers, individuals with
21 expertise in assessing English learners and pupils with disabilities,
22 parents, and measurement experts, the Superintendent shall make
23 recommendations regarding assessments including the grade level,
24 content, and type of assessment. These recommendations shall
25 take into consideration the assessments already administered or
26 planned pursuant to subdivision (b). The Superintendent shall
27 consider the use of consortium-developed assessments, various
28 item types, computer-based testing, and a timeline for
29 implementation.

30 (B) The recommendations shall consider assessments in subjects,
31 including, but not necessarily limited to, history-social science,
32 technology, visual and performing arts, and other subjects as
33 appropriate, as well as English language arts, mathematics, and
34 science assessments to augment the assessments required under
35 subdivision (b), and the use of various assessment options,
36 including, but not necessarily limited to, computer-based tests,
37 locally scored performance tasks, and portfolios.

38 (C) The recommendations shall include the use of an assessment
39 calendar that would schedule the assessments identified pursuant

1 to subparagraph (B) over several years, the use of matrix sampling,
2 if appropriate, and the use of population sampling.

3 (D) The recommendations shall include a timeline for test
4 development, and shall include cost estimates for subject areas, as
5 appropriate.

6 (E) Upon approval by the state board and the appropriation of
7 funding for this purpose, the Superintendent shall develop and
8 administer the approved assessments. The state board shall approve
9 test blueprints, achievement level descriptors, testing periods,
10 performance standards, and a reporting plan for each approved
11 assessment.

12 ~~(2) (A) No later than February 1, 2015, the department shall~~
13 ~~report to the appropriate committees of the Legislature, school~~
14 ~~districts, county offices of education, and charter schools on all of~~
15 ~~the following:~~

16 ~~(i) The status of the field tests of the consortium alternate~~
17 ~~performance assessment in English language arts and mathematics~~
18 ~~identified in paragraph (3) of subdivision (b).~~

19 ~~(ii) Any concerns with the consortium identified in paragraph~~
20 ~~(3) of subdivision (b).~~

21 ~~(iii) Recommendations for moving forward if different from~~
22 ~~the timelines in paragraph (3) of subdivision (b).~~

23 ~~(2) (A) No later than February 1, 2015, the state board and the~~
24 ~~department shall report to the appropriate committees of the~~
25 ~~Legislature, school districts, county offices of education, and~~
26 ~~charter schools on the status of the successor alternate assessments~~
27 ~~approved by the state board pursuant to this section.~~

28 (B) Pursuant to Section 10231.5 of the Government Code, this
29 paragraph shall become inoperative on February 1, 2019.

30 (d) For the 2013–14 and 2014–15 school years, the department
31 shall make available to local educational agencies Standardized
32 Testing and Reporting Program test forms no longer required by
33 the CAASPP. The cost of implementing this subdivision, including,
34 but not necessarily limited to, shipping, printing, scoring, and
35 reporting per pupil shall be the same for all local educational
36 agencies, and shall not exceed the marginal cost of the assessment,
37 including any cost the department incurs to implement this section.
38 A local educational agency that chooses to administer an
39 assessment pursuant to this subdivision shall do so at its own

1 expense, and shall enter into an agreement for that purpose with
2 a contractor, subject to the approval of the department.

3 (e) The Superintendent shall make available a paper and pencil
4 version of any computer-based CAASPP assessment for use by
5 pupils who are unable to access the computer-based version of the
6 assessment for a maximum of three years after a new operational
7 test is first administered.

8 (f) (1) From the funds available for that purpose, each local
9 educational agency shall administer assessments to each of its
10 pupils pursuant to subdivision (b). As allowable by federal statute,
11 recently arrived English learner pupils are exempted from taking
12 the assessment in English language arts. The state board shall
13 establish a testing period to provide that all schools administer
14 these tests to pupils at approximately the same time during the
15 instructional year. The testing period established by the state board
16 shall take into consideration the need of local educational agencies
17 to provide makeup days for pupils who were absent during testing,
18 as well as the need to schedule testing on electronic computing
19 devices.

20 (2) For the 2013–14 school year, each local educational agency
21 shall administer the field tests in a manner described by the
22 department in consultation with the president or executive director
23 of the state board. Additional participants in the field test beyond
24 the representative sample may be approved by the department, and
25 the department shall use existing contract savings to fund local
26 educational agency participation in one or more tests per
27 participant. Funds for this purpose shall be used to allow for
28 maximum participation in the field tests across the state. To the
29 extent savings in the current contract are not available to fully fund
30 this participation, the department shall prorate available funds by
31 test. Local educational agencies shall bear any additional costs to
32 administer these assessments that are in excess of the contracted
33 amount. With approval of the state board and the Director of
34 Finance, the department shall amend the existing assessment
35 contract to accommodate field testing beyond the representative
36 sample, and to allow for special studies using information collected
37 from the field tests.

38 (3) *For the 2014–15 school year, each local educational agency*
39 *shall administer the alternate field tests in a manner determined*
40 *by the department in consultation with the president or executive*

1 *director of the state board. With the approval of the state board*
2 *and the Director of Finance, the department shall amend the*
3 *assessment contract, as appropriate, to accommodate the alternate*
4 *assessment field testing and to allow for any necessary studies*
5 *using information collected from the field tests.*

6 (g) From the funds available for that purpose, each local
7 educational agency shall administer assessments as determined by
8 the state board pursuant to subparagraph (E) of paragraph (1) of
9 subdivision (c).

10 (h) As feasible, the CAASPP field tests shall be conducted in
11 a manner that will minimize the testing burden on individual
12 schools. The CAASPP field tests shall not produce individual pupil
13 scores unless it is determined that these scores are valid and
14 reliable.

15 (i) The governing board of a school district may administer
16 achievement tests in grades other than those required by this section
17 as it deems appropriate.

18 (j) Subject to the approval of the state board, the department
19 may make available to local educational agencies a primary
20 language assessment aligned to the English language arts standards
21 adopted pursuant to Section 60605, as it read on January 1, 2013,
22 for assessing pupils who are enrolled in a dual language immersion
23 program that includes the primary language of the assessment and
24 who are either nonlimited English proficient or redesignated fluent
25 English proficient until a subsequent primary language assessment
26 aligned to the common core standards in English language arts
27 adopted pursuant to Section 60605.8 is developed pursuant to
28 paragraph ~~(6)~~ (5) of subdivision (b). The cost for the assessment
29 shall be the same for all local educational agencies and shall not
30 exceed the marginal cost of the assessment, including any cost the
31 department incurs to implement this section. A local educational
32 agency that elects to administer a primary language assessment
33 pursuant to this subdivision shall do so at its own expense and
34 shall enter into an agreement for that purpose with the state testing
35 contractor, subject to the approval of the department.

36 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
37 States Code, individuals with exceptional needs, as defined in
38 Section 56026, shall be included in the testing requirement of
39 subdivision (b) with appropriate accommodations in administration,
40 where necessary, and the individuals with exceptional needs who

1 are unable to participate in the testing, even with accommodations,
2 shall be given an alternate assessment.

3 (l) (1) The Superintendent shall apportion funds appropriated
4 for these purposes to local educational agencies to enable them to
5 meet the requirements of subdivisions (b) and (c).

6 (A) For the CAASPP field tests administered in the 2013–14
7 school year or later school years, the Superintendent shall apportion
8 funds to local educational agencies if funds are specifically
9 provided for this purpose in the annual Budget Act.

10 (B) The Superintendent shall apportion funds to local
11 educational agencies to enable them to administer assessments
12 used to satisfy the voluntary Early Assessment Program in the
13 2013–14 school year pursuant to paragraph~~(5)~~ (4) of subdivision
14 (b).

15 (2) The state board annually shall establish the amount of
16 funding to be apportioned to local educational agencies for each
17 test administered and annually shall establish the amount that each
18 contractor shall be paid for each test administered under the
19 contracts required pursuant to Section 60643. The amounts to be
20 paid to the contractors shall be determined by considering the cost
21 estimates submitted by each contractor each September and the
22 amount included in the annual Budget Act, and by making
23 allowance for the estimated costs to local educational agencies for
24 compliance with the requirements of subdivisions (b) and (c). The
25 state board shall take into account changes to local educational
26 agency test administration activities under the CAASPP, including,
27 but not limited to, the number and type of tests administered and
28 changes in computerized test registration and administration
29 procedures, when establishing the amount of funding to be
30 apportioned to local educational agencies for each test
31 administered.

32 (3) An adjustment to the amount of funding to be apportioned
33 per test shall not be valid without the approval of the Director of
34 Finance. A request for approval of an adjustment to the amount
35 of funding to be apportioned per test shall be submitted in writing
36 to the Director of Finance and the chairpersons of the fiscal
37 committees of both houses of the Legislature with accompanying
38 material justifying the proposed adjustment. The Director of
39 Finance is authorized to approve only those adjustments related
40 to activities required by statute. The Director of Finance shall

1 approve or disapprove the amount within 30 days of receipt of the
2 request and shall notify the chairpersons of the fiscal committees
3 of both houses of the Legislature of the decision.

4 (m) For purposes of making the computations required by
5 Section 8 of Article XVI of the California Constitution, the
6 appropriation for the apportionments made pursuant to paragraph
7 (1) of subdivision (I), and the payments made to the contractors
8 under the contracts required pursuant to Section 60643 or
9 subparagraph (C) of paragraph (1) of subdivision (a) of Section
10 60605 between the department and the contractor, are "General
11 Fund revenues appropriated for school districts," as defined in
12 subdivision (c) of Section 41202, for the applicable fiscal year,
13 and included within the "total allocations to school districts and
14 community college districts from General Fund proceeds of taxes
15 appropriated pursuant to Article XIII B," as defined in subdivision
16 (e) of Section 41202, for that fiscal year.

17 (n) As a condition to receiving an apportionment pursuant to
18 subdivision (I), a local educational agency shall report to the
19 Superintendent all of the following:

20 (1) The pupils enrolled in the local educational agency in the
21 grades in which assessments were administered pursuant to
22 subdivisions (b) and (c).

23 (2) The pupils to whom an achievement test was administered
24 pursuant to subdivisions (b) and (c) in the local educational agency.

25 (3) The pupils in paragraph (1) who were exempted from the
26 test pursuant to this section.

27 (o) The Superintendent and the state board are authorized and
28 encouraged to assist postsecondary educational institutions to use
29 the assessment results of the CAASPP, including, but not
30 necessarily limited to, the grade 11 consortium summative
31 assessments in English language arts and mathematics, for
32 academic credit, placement, or admissions processes.

33 (p) Subject to the availability of funds in the annual Budget Act
34 for this purpose, and exclusive of the consortium assessments, the
35 Superintendent, with the approval of the state board, annually shall
36 release to the public test items from the achievement tests pursuant
37 to Section 60642.5 administered in previous years. Where feasible
38 and practicable, the minimum number of test items released per
39 year shall be equal to 25 percent of the total number of test items
40 on the test administered in the previous year.

1 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
2 of Title 5 of the California Code of Regulations shall be revised
3 by the state board to conform to the changes made to this section
4 in the first year of the 2013–14 Regular Session. The state board
5 shall adopt initial regulations as emergency regulations to
6 immediately implement the CAASPP assessments, including, but
7 not necessarily limited to, the administration, scoring, and reporting
8 of the tests, as the adoption of emergency regulations is necessary
9 for the immediate preservation of the public peace, health, safety,
10 or general welfare within the meaning of Section 11346.1 of the
11 Government Code. The emergency regulations shall be followed
12 by the adoption of permanent regulations, in accordance with the
13 Administrative Procedure Act (Chapter 3.5 (commencing with
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
15 Code).

O